

JOURNAL OF THE HOUSE.

Thursday, November 8, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. Kaprielian of Watertown in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, each day we try to serve You and constituents in a faithful and responsible manner. Inspire us, as elected leaders, to work and to plan together in a common effort to seek the best solutions to current legislative and administrative issues and to recognize the many exciting opportunities in the future for the people and the Commonwealth. Monday is Veterans Day, a national holiday, on which we remember and honor all veterans, women and men. We also express our gratitude and appreciation to veterans for their personal sacrifices, courageous actions and genuine patriotism. On Monday, we remember, in our prayers and thoughts, all veterans, living and deceased, and their families.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. Kaprielian), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to furthering the biofuels clean energy sector (House, No. 4364) was filed in the office of the Clerk on Monday, November 5.

Biofuels
clean
energy.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Rushing of Boston) welcoming and congratulating the Rev. Gilbert H. Caldwell;

Rev. Gilbert
Caldwell.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating the Honorable Joseph J. Reardon on the occasion of his retirement;

Hon. Joseph
Reardon.

Resolutions (filed by Mr. Calter of Kingston) congratulating Christopher Arthur Ignagni on receiving the Eagle Award of the Boy Scouts of America;

Christopher
Ignagni.

Resolutions (filed by Mr. Greene of Billerica) congratulating Robert W. Flynn on the occasion of his retirement from the Northern Middlesex Council of Governments;

Robert
Flynn.

Railfan
Club.

Resolutions (filed by Mr. Kujawski of Webster) on the occasion of the thirtieth anniversary of the Providence & Worcester Railfan Club; and

Harvard
Homeless
Shelter.

Resolutions (filed by Ms. Wolf of Cambridge) for the 25th anniversary of the Harvard Square Homeless Shelter;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of the same member, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Homeownership.

The House Bill protecting and preserving home ownership (House, No. 4306, amended) came from the Senate with the endorsement that said branch had insisted on its amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2382 (in which the House had non-concurred).

Committee of
conference.

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Tucker, Buoniconti and Brown had been joined as the committee on the part of the Senate.

Bills

Nursing and
allied health.

Establishing the nursing and allied health trust fund (Senate, No. 674) (on a petition); and

Physician
license
renewal.

Balancing the physician license renewal cycle (Senate, No. 1298) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

Property
taxes,
classification.

The engrossed Bill relative to property tax classification in cities and towns (see House, No. 3119, changed and amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Rhea
Lindstet,
sick leave.

The engrossed Bill establishing a sick leave bank for Rhea Lindstet, an employee of the Department of Revenue (see House,

No. 4286, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill
enacted.

Engrossed Bills.

Engrossed bills

Relative to public safety at reproductive health care facilities (see Senate, No. 1353, amended) (which originated in the Senate); and Bills
enacted.

Establishing a sick leave bank for Dorothy Lafratta, an employee of the Department of Transitional Assistance (see House, No. 4249) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Exempting Brian J. Donoghue from the maximum age requirements for appointment as a firefighter in the town of Norwood (see Senate, No. 2257); and B

Relative to the financing of a contract termination charge incurred by the town of Norwood (see Senate, No. 2277);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the annual observance of Leopoldville Disaster Remembrance Day (see Senate, No. 1873) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Leopoldville
Disaster
Day.

Pending the question on passing the bill to be enacted, Mr. Falzone of Saugus moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the annual observance of Leopoldville Disaster Remembrance Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted. Sent to the Senate for concurrence.

Recess.

Mr. Golden of Lowell being in the Chair,—

Recess.

At twenty-eight minutes before one o'clock P.M., on motion of Mr. Scaccia of Boston, the House recessed until twenty-five minutes after one o'clock P.M.; and at seventeen minutes before two o'clock the House was called to order with Mr. Golden in the Chair.

Reports of Committees.

Supplemental
budget,
home heating
aid.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making an appropriation for the fiscal year 2008 to provide supplemental funding for a low income home energy assistance program (printed in House, No. 4332). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it [A] in section 2A by striking out the figures "\$15,000,000" and inserting in place thereof the figures "\$25,000,000".

Pending the question on adoption of the amendment, Mr. DeLeo of Winthrop moved to amend it by striking out the text of said amendment [at "A"] and inserting in place thereof the following:

"by inserting after section 2A the following section:—

SECTION 2B. The secretary of the executive office of energy and environmental affairs shall make recommendations regarding what supplemental state funds, if any, shall be expended for the federal Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. Section 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane, natural gas and electricity and other primary or secondary heating sources; provided, however, that any recommended expenditures in addition to any federal funding shall be made in accordance with the state plan submitted by the department of housing and community development in accordance with said federal program. The recommendations shall include recommended funding levels and funding sources. The secretary of the executive office of energy and environmental affairs shall submit the plan to the house and senate committees on ways and means on or before December 31, 2007."

The further amendment was adopted, thus precluding a vote on the pending amendment. The bill (printed in House, No. 4332, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to golf courses (House, No. 227) be scheduled for consideration by the House.

Golf
courses,
liquor
licenses.

Under suspension of Rule 7A, on motion of Mr. Scaccia of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill protecting the Commonwealth from natural disasters or emergencies that threaten the public health or safety of its citizens (House, No. 4345) be scheduled for consideration by the House.

Uxbridge,
Bernat
Mills fire.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scaccia of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee on read: "An Act relative to the assessment of taxes in the town of Uxbridge.". Sent to the Senate for concurrence.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve creating a special commission to study the effects of war on returning Massachusetts service members (House, No. 4312) ought to pass.

Veterans,
special
commission.

Under suspension of the rules, on motion of Mr. Verga of Gloucester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4127, reported, in part, a Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4350). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to genetically modified pharmaceutical crops (House, No. 865). Referred, Under Joint Rule 1E, to the committee on Health Care Financing.

Pharmaceutical
crops.

Seafood
marketing,
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to a special commission on seafood marketing (House, No. 777, changed in line 14, by striking out the figures: "13" and inserting in place thereof the figures: "16", and in line 29, by striking out the figures: "2007" and inserting in place thereof the figures: "2008"). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Special
education,
study.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, on House, Nos. 98 and 3759, an Order relative to authorizing the committee on Children, Families and Persons with Disabilities to make an investigation and study of certain House documents concerning special education and screening programs (House, No. 4358).

Pet shop
inspectors,
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 150, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document concerning pet shop inspectors (House, No. 4359).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Green
communities.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on House, No. 3965, a Bill relative to green communities (House, No. 4365). Read; and referred, under Joint Rule 29, to the committees on rules of the two branches, acting concurrently.

Subsequently, Mr. Scaccia of Boston for said committees reported that the same ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Antique
snowmobiles.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the registration of antique snowmobiles (House, No. 839).

Abused
animals,
protection.

By the same member, for the same committee, on House, No. 727, a Bill establishing protective measures for abused animals in cases of domestic abuse (House, No. 4360).

Waste
disposal
facilities.

By the same member, for the same committee, on House, No. 733, a Bill further regulating solid waste disposal facilities (House, No. 4361).

Hazardous
material.

By the same member, for the same committee, on House, No. 881, a Bill further regulating hazardous and toxic material (House, No. 4362).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to solid waste disposal facilities (House, No. 812, changed in line 2, by striking out the figures: "2004" and inserting in place thereof the figures: "2006", in line 5, by striking out the words "city or town" and inserting in place thereof the word "municipality" and also by striking out the word "ordinance" and inserting in place thereof the word "ordinances", and in line 8, by striking out the word "sites" and inserting in place thereof the word "facilities").

Solid
waste,
facilities.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on House, No. 2092, a Bill to clarify the site assignment process (House, No. 4363).

Site
assignment
process.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

The Senate Bill further regulating certain appliances (Senate, No. 1964), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Authorizing the appointment of certain persons as firefighters in the city of Fall River (House, No. 4089); and

Third
reading
bills.

Authorizing the city of Salem to issue additional liquor licenses for the sale of alcoholic beverages (House, No. 4274);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

Next
sitting.

At twelve minutes after two o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Golden of Lowell being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.